

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS 190 & 257

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO ALCOHOL; PROVIDING THAT MONEY IN THE LOCAL DWI
GRANT FUND MAY BE USED FOR PROGRAMS TO REDUCE OR PREVENT THE
INCIDENCE OF DOMESTIC ABUSE RELATED TO ALCOHOLISM OR ALCOHOL
ABUSE; AMENDING SECTIONS OF THE LOCAL DWI GRANT PROGRAM ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 11-6A-3 NMSA 1978 (being Laws 1993,
Chapter 65, Section 3, as amended) is amended to read:

"11-6A-3. LOCAL DWI GRANT PROGRAM - FUND. --

A. The division shall establish a local DWI grant
program to make grants to municipalities or counties for:

(1) new, innovative or model programs,
services or activities to prevent or reduce the incidence of
DWI, alcoholism and alcohol abuse; and

(2) programs, services or activities to

1 prevent or reduce the incidence of domestic abuse related to
2 DWI, alcoholism or alcohol abuse.

3 B. Grants shall be awarded by the council pursuant
4 to the advice and recommendations of the division.

5 [~~B.~~] C. The "local DWI grant fund" is created in
6 the state treasury and shall be administered by the division.
7 [~~Two million dollars (\$2,000,000)]~~ Two million five hundred
8 thousand dollars (\$2,500,000) of liquor excise tax revenues
9 distributed to the fund and all other money in the fund, other
10 than money appropriated for distribution pursuant to Subsection
11 [~~E~~] D of this section and money appropriated for DWI program
12 distributions, are appropriated to the division to make grants
13 to municipalities and counties upon council approval in
14 accordance with the program established under the Local DWI
15 Grant Program Act and to evaluate DWI grantees and the local
16 DWI grant program. An amount equal to the liquor excise tax
17 revenues distributed annually to the fund less [~~four million~~
18 ~~eight hundred thousand dollars (\$4,800,000)]~~ five million three
19 hundred thousand (\$5,300,000) is appropriated to the division
20 to make DWI program distributions to counties upon council
21 approval of programs in accordance with the provisions of the
22 Local DWI Grant Program Act. No more than [~~one hundred~~
23 ~~thousand dollars (\$100,000)]~~ six hundred thousand dollars
24 (\$600,000) of liquor excise tax revenues distributed to the
25 fund in any fiscal year shall be expended for administration of

underscored material = new
[bracketed material] = delete

1 the grant program. Balances in the fund at the end of any
2 fiscal year shall not revert to the general fund.

3 [~~C.~~] D. Two million eight hundred thousand dollars
4 (\$2,800,000) of the liquor excise tax revenues distributed to
5 the local DWI grant fund is appropriated to the division for
6 distribution to the following counties in the following amounts
7 for funding of alcohol detoxification and treatment facilities:

8 (1) one million seven hundred thousand dollars
9 (\$1,700,000) to class A counties with a population of over
10 three hundred thousand persons according to the 1990 federal
11 decennial census;

12 (2) three hundred thousand dollars (\$300,000)
13 each to counties [~~classified in 2000 as class B counties~~]
14 reclassified in 2002 as class A counties with a population of
15 more than ninety thousand but less than one hundred thousand
16 persons according to the 1990 federal decennial census;

17 (3) two hundred thousand dollars (\$200,000) to
18 class B counties with a population of more than thirty thousand
19 but less than forty thousand persons according to the 1990
20 federal decennial census;

21 (4) one hundred fifty thousand dollars
22 (\$150,000) to class B counties with a population of more than
23 sixty-two thousand but less than sixty-five thousand persons
24 according to the 1990 federal decennial census; and

25 (5) one hundred fifty thousand dollars

. 146573. 1

underscored material = new
[bracketed material] = delete

1 (\$150,000) to class B counties with a population of more than
2 thirteen thousand but less than fifteen thousand persons
3 according to the 1990 federal decennial census.

4 ~~[D.]~~ E. In awarding DWI grants to local
5 communities, the council:

6 (1) may fund new or existing innovative or
7 model programs, services or activities ~~[of any kind]~~ designed
8 to prevent or reduce the incidence of DWI, alcoholism or
9 alcohol abuse;

10 (2) may fund existing community-based
11 programs, services or facilities for prevention, screening and
12 treatment of alcoholism and alcohol abuse;

13 (3) may fund new or existing innovative or
14 model programs, services or activities of any kind designed to
15 prevent or reduce the incidence of domestic abuse related to
16 DWI, alcoholism or alcohol abuse;

17 (4) may fund existing community-based
18 programs, services or facilities for prevention and treatment
19 of domestic abuse related to DWI, alcoholism or alcohol abuse;

20 ~~[(3)]~~ (5) shall give consideration to a broad
21 range of approaches to prevention, education, screening,
22 treatment or alternative sentencing, including programs that
23 combine incarceration, treatment and aftercare, to address the
24 problem of DWI, alcoholism or alcohol abuse; and

25 ~~[(4)]~~ (6) shall make grants only to counties

1 or municipalities in counties that have established a DWI
2 planning council and adopted a county DWI plan or are parties
3 to a multicounty DWI plan that has been approved by the council
4 and approved pursuant to Chapter 43, Article 3 NMSA 1978 and
5 only for programs, services or activities consistent with that
6 plan. A DWI plan shall also comply with local DWI grant
7 program rules and guidelines.

8 [E-] F. The council shall use the criteria in
9 Subsection [D] E of this section to approve DWI programs,
10 services or activities for funding through the county DWI
11 program distribution. "

12 Section 2. Section 11-6A-5 NMSA 1978 (being Laws 1993,
13 Chapter 65, Section 5, as amended) is amended to read:

14 "11-6A-5. ADMINISTRATION OF LOCAL DWI GRANT PROGRAM AND
15 COUNTY DWI PROGRAM DISTRIBUTION--REGULATIONS. --

16 A. The division shall administer and evaluate the
17 local DWI grant program and the county DWI program distribution
18 and shall serve as staff to the council.

19 B. The division, with the advice and approval of
20 the council, shall adopt regulations necessary for operation of
21 the local DWI grant program and the county DWI program
22 distribution, including:

23 (1) forms and procedures for the application
24 process for the local DWI grant program and the county DWI
25 program distribution;

. 146573. 1

underscoring material = new
[bracketed material] = delete

1 (2) documentation to be provided by the
2 applicant to assure compliance with the grant and the county
3 DWI program distribution guidelines and other provisions of the
4 Local DWI Grant Program Act;

5 (3) procedures and guidelines for review,
6 evaluation and approval of grant awards and for review and
7 approval of programs to be funded by the county DWI program
8 distribution;

9 (4) procedures and guidelines for oversight,
10 evaluation and audit of DWI grantees to assure that grants are
11 being administered in the manner and for the purposes that the
12 [~~grant was~~] grants were awarded; and

13 (5) design of an evaluation mechanism for DWI
14 grant programs, distributions and services and submission by
15 each DWI grantee of an annual report or other data on each
16 local DWI grant program, distribution or service and its
17 effectiveness and outcomes. "

18 Section 3. Section 11-6A-6 NMSA 1978 (being Laws 1997,
19 Chapter 182, Section 2, as amended) is amended to read:

20 "11-6A-6. DISTRIBUTION OF CERTAIN LOCAL DWI GRANT PROGRAM
21 FUNDS-- APPROVAL OF PROGRAMS. --

22 A. An amount equal to the liquor excise tax
23 revenues distributed to the local DWI grant fund for the fiscal
24 year less [~~four million eight hundred thousand dollars~~
25 ~~(\$4,800,000)] five million three hundred thousand dollars~~

. 146573. 1

1 (\$5,300,000) shall be available for distribution in accordance
2 with the formula in Subsection B of this section to each county
3 for council-approved DWI programs, services or activities;
4 provided that each county shall receive a minimum distribution
5 of at least one-half [~~of one~~] percent of the money available
6 for distribution.

7 B. Each county shall be eligible for a DWI program
8 distribution in an amount derived by multiplying the total
9 amount of money available for distribution by a percentage that
10 is the average of the following two percentages:

11 (1) a percentage equal to a fraction, the
12 numerator of which is the retail trade gross receipts in the
13 county and the denominator of which is the total retail trade
14 gross receipts in the state; and

15 (2) a percentage equal to a fraction, the
16 numerator of which is the number of alcohol-related injury
17 crashes in the county and the denominator of which is the total
18 alcohol-related injury crashes in the state.

19 C. A county shall be eligible to receive the
20 distribution determined pursuant to Subsection B of this
21 section if the board of county commissioners has submitted to
22 the council a request to use the distribution for the operation
23 of one or more DWI programs, services or activities in the
24 county and the request has been approved by the council. The
25 request shall also comply with local DWI grant program rules

underscoring material = new
[bracketed material] = delete

1 and guidelines.

2 D. No later than [~~August~~] April 1 each year, each
3 board of county commissioners seeking approval for the DWI
4 program distribution pursuant to this section shall make
5 application to the division for review and approval by the
6 council for one or more local DWI programs, services or
7 activities in the county. Application shall be made on a form
8 and in a manner determined by the division. The council shall
9 approve the programs eligible for a distribution no later than
10 [~~September~~] July 1 of each year. The division shall make the
11 annual distribution to each county in quarterly installments on
12 or before each [~~October~~] September 10, [~~January~~] December 10,
13 [~~April~~] March 10 and [~~July~~] June 10, beginning in [~~October~~
14 ~~1997~~] September 2004. The amount available for distribution
15 quarterly to each county shall be the amount determined by
16 applying the formula in Subsection B of this section to the
17 amount of liquor excise tax revenues in the local DWI grant
18 fund at the end of the month prior to the quarterly installment
19 due date and after [~~five hundred thousand dollars (\$500,000)~~]
20 one million three hundred twenty-five thousand dollars
21 (\$1,325,000) has been set aside for the DWI grant program and
22 after the appropriation and distribution pursuant to Subsection
23 [~~E~~] D of Section 11-6A-3 NMSA 1978.

24 E. If a county [~~has no~~] does not have a council-
25 approved DWI program, service or activity or does not need the

underscored material = new
[bracketed material] = delete

1 full amount of the available distribution, the unused money
2 shall revert to the local DWI grant fund and may be used by the
3 council for the local DWI grant program.

4 F. As used in this section:

5 (1) "alcohol-related injury crashes" means the
6 average annual number of alcohol-related injury crashes during
7 the period from January 1, [1993] 2000 through December 31,
8 [1995] 2002, as determined by the traffic safety bureau of the
9 state highway and transportation department; and

10 (2) "retail trade gross receipts" means the
11 total reported gross receipts attributable to taxpayers
12 reporting under the retail trade industry sector of the state
13 for the most recent fiscal year as determined by the taxation
14 and revenue department. "

15 Section 4. EFFECTIVE DATE. --The effective date of the
16 provisions of this act is July 1, 2003.

underscored material = new
[bracketed material] = del ete